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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,534	03/29/2007	Niels Alexander Rozendaal	0470-053863	9880

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER

WILSON, GREGORY A

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

02/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,534

Applicant(s)

ROZENDAAL, NIELS ALEXANDER

Examiner

Gregory A. Wilson

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-49 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-49 and 51-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-49 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bergsand et al in view of Miura et al (5,437,248)**. Bergsand et al discloses an installation for the internal cleaning of tubes (such as fire tubes of a boiler) and includes a device (SEE Figures 1 & 5) with a scraper member (which can be a brush or other mechanical means, SEE column 2, lines 32-38) that is fixed to a movement member (10) capable of moving members for scraping each of the tubes (14), a guide (19) which is movable to position the tubes with the cleaning structure and is movable along rails (20, 51) enabling connection means (16, 17) to be brought into interaction with the opening means to the tubes which can be covered by a valve in which case the connection means would interact with the valve. While Bergsand et al discloses an installation for the internal cleaning of the tubes and is capable of being

adapted for use with a number of devices having tubes which need cleaning, Bergsand et al does not particular disclose a fire tube boiler in combination with this cleaning installation. Miura et al teaches the type of fire tube boiler in which the cleaning installation of Bergsand et al is capable of being adapted to clean. It would have been obvious at the time the invention was made to a person having ordinary skill in the art at the time the invention was made to have used the known technique of cleaning the internal area of the tubes as taught by Bergsand et al in the fire tube boiler of Miura et al and yield the predictable results of cleaning the fire tubes of Miura et al.

Claims 26-49 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barry et al (4,724,007)** in view of **Miura et al (5,437,248)**. **Barry et al** discloses a device used for cleaning the interior surface of heat exchanger pipes/tubes (but could also be applied to fire tubes in a boiler), the device includes a scraper member (launcher tip 14 and pig 23) fixed to a movement member (45, 46), a guide (43) capable of positioning the scraper member directly in front of the open end of a (for example) fire tube (SEE Figure 4) such that the scraper member is movable from the guide into the tubes, the guide member is movable on a frame (41) transversely with respect to the longitudinal direction of the tubes and as shown in Figures 4, 6 and 15 the installation would be suitable for use with a boiler having a flue box *"into the end of which the fire tubes open, which flue box has an opening provided with a closing valve opposite each tube"*, Barry et al furthermore discloses an operating mechanism (10) that can be brought into interaction with an open end of the tubes in such a way that if

the tube end is covered by a closing valve, the mechanism could force open the valve. Barry et al, does not positively recite a boiler structure having the fire tubes. Miura et al teaches the type of fire tube boiler in which the cleaning device of Barry et al is capable of being adapted to clean. It would have been obvious at the time the invention was made to a person having ordinary skill in the art at the time the invention was made to have used the known technique of cleaning internal tubes as taught by Barry et al in the fire tube boiler of Miura et al and yield the predictable results of cleaning the fire tubes of Miura et al.

Claims 26-49 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over **v.d. Woude (5,348,234) in view of Miura et al (5,437,248)**. **V.d. Woude** discloses a device for cleaning the inner surfaces of heat exchanger pipe bundles (but is capable of being applied to fire tubes in a boiler) and includes a scraper member (lances 25 which act as brushes) that is fixed to a movement member (19) (SEE Figure 1) for moving the lances (25) through one or more tubes at a time (SEE Figures 1 & 4), a guide (74) capable in aiding in the positioning of the lances directly in front of the open end of a [fire tube] (SEE Figure 4), such that the lances are movable from the guide into the tubes, the guide (74) is movable on a frame (71) transversely with respect to the longitudinal direction of the fire tubes, the installation is suitable for use with a boiler having a flue box, the device has an operating mechanism (26) that can be brought into interaction with the open end of the tubes. **V.d. Woude** does not positively recite a boiler structure having the fire tubes. **Miura et al** teaches the type of

fire tube boiler in which the cleaning device of Barry et al is capable of being adapted to clean. It would have been obvious at the time the invention was made to a person having ordinary skill in the art at the time the invention was made to have used the known technique of cleaning the inner surfaces of the tubes as taught by v.d. Woude in the fire tube boiler of Miura et al and yield the predictable results of cleaning the fire tubes of Miura et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. Wilson whose telephone number is (571)272-4882. The examiner can normally be reached on 7 am - 4:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory A. Wilson/
Primary Examiner, Art Unit 3749
February 14, 2009